

To: CN=Tim Vendlinski/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Stephanie Skophammer/OU=R9/O=USEPA/C=US@EPA;CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]; N=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Stephanie Skophammer/OU=R9/O=USEPA/C=US@EPA;CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]; N=Stephanie Skophammer/OU=R9/O=USEPA/C=US@EPA;CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]; N=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
Bcc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Tue 2/5/2013 10:17:55 PM
Subject: Exchange of Corps and DOI over Corps Briefing Paper Discussion of BDCP Purpose

----- Forwarded by Tom Hagler/R9/USEPA/US on 02/05/2013 02:16 PM -----

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: David Nawi <david_nawi@ios.doi.gov>,
Cc: Erin Foresman/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, "Clark, Susan S SPK" <Susan.S.Clark@usace.army.mil>, "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>, Lori Rinek <lori_rinek@fws.gov>, Patricia Idlof <pidlof@usbr.gov>, Maria Rea <Maria.Rea@noaa.gov>, Michael Tucker <Michael.Tucker@noaa.gov>
Date: 01/30/2013 02:34 PM
Subject: RE: Attached is a status briefing of SPK-RDs involvement in the BDCP. (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Actually, I'd say it's not significant. The briefing paper was to convey schedule information, and the background was intended to be short, and intended to jog the memory of what the BDCP was. The statement in the DEIS is part of the purpose statement which is used as a screening criteria of alternatives. The nuances of water contracts and analysis of alternatives was not a subject of the briefing memo.

I will highlight that paragraph to make sure not to use it in a subsequent briefing memo. Thanks

Michael G. Nepstad
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-----Original Message-----

From: David Nawi [mailto:david_nawi@ios.doi.gov]

Sent: Wednesday, January 30, 2013 2:16 PM

To: Nepstad, Michael G SPK

Cc: Foresman.Erin@epamail.epa.gov; Hagler.Tom@epamail.epa.gov; Clark, Susan S SPK; Jewell, Michael S SPK; Lori Rinek; Patricia Idlof; Maria Rea; Michael Tucker

Subject: RE: Attached is a status briefing of SPK-RDs involvement in the BDCP. (UNCLASSIFIED)

Mike - Some of the language regarding the purpose of the BDCP in the briefing paper you forwarded seems inconsistent with the language that was agreed to by the lead agencies for the DEIS/R. The language is significant and was the subject of much back and forth among the agencies. The Corps briefing paper states:

The Bay Delta Conservation Plan (BDCP) is a Habitat Conservation Plan (HCP) being developed to promote the recovery of endangered, threatened and sensitive fish and wildlife species and their habitats in the Sacramento-San Joaquin Delta in a way that will also restore water exports to amounts at or above those prior to the collapse of Delta fisheries.

The language in the DEIS reads:

3. Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Delta Mendota Water Authority, and other existing applicable agreements.

The above Purpose Statement reflects the intent to advance the coequal goals set forth in the Sacramento-San Joaquin Delta Reform Act of 2009 of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The above phrase-restore and protect the ability of the SWP and CVP to deliver up to full contract amounts-is related to the upper limit of legal CVP and SWP contractual water amounts and delineates an upper bound for development of EIR/EIS alternatives, not a target. It is not intended to imply that increased quantities of water will be delivered under the BDCP. As indicated by the use of "up to full contract amounts," alternatives need not be capable of delivering full contract amounts on average in order to meet the project purposes. Alternatives that depict design capacities or operational parameters that would result in deliveries of less than full contract amounts are consistent with this purpose.

This is something that merits discussion when we meet tomorrow.

David

-----Original Message-----

From: Nepstad, Michael G SPK [mailto:Michael.G.Nepstad@usace.army.mil]

Sent: Tuesday, January 29, 2013 3:14 PM

To: Nawi, David

Cc: Foresman.Erin@epamail.epa.gov; Hagler.Tom@epamail.epa.gov; Clark, Susan S SPK

Subject: FW: Attached is a status briefing of SPK-RDs involvement in the BDCP. (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir, attached is a simple status briefing paper on the BDCP and three related projects as an FYI,

Thanks

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-----Original Message-----

From: Nepstad, Michael G SPK

Sent: Tuesday, January 29, 2013 3:09 PM

To: Leady, William J COL SPK; Smith, Charles R CIV (US); Berresford, Karen G SPD; Townsley, Edwin S SPD

Cc: Olsen, Randy P SPK; Nagy, Meegan G SPK; Riley, Adam A SPK; Clark, Susan S SPK; Jewell, Michael S SPK; Dadey, Kathleen A SPK; Toland, Tanis J SPK

Subject: Attached is a status briefing of SPK-RDs involvement in the BDCP. (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sirs,

Attached is a status briefing of SPK-RDs involvement in the BDCP.

SPK staff continues to maintain a continuing and ongoing involvement in the BDCP process at all levels.

SPK cannot say for certain that we do or do not have permitting issues with the BDCP due to lack of site specific information.

SPK anticipates receiving the Administrative Draft EIS for the BDCP in early February 2013.

Michael G. Nepstad

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